

#### **D.) REMARKS**

The Final Office Action mailed March 8, 2007 has been received and carefully considered. In the Office Action, claims 25-27, 30-33, and 36-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,579,041 to Paine (Paine); claims 19-23, 28-29, and 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paine in view of WO 86/02786 to Ahuja (Ahuja).

##### **I. Amendment to the Specification**

The Specification has been amended to correct a typographical error which Applicants inadvertently failed to correct in a prior response. Applicants thank the Examiner for his assistance in identifying this error.

##### **II. Information Disclosure Statement.**

An Information Disclosure Statement is filed herewith to provide previously uncited art recently made known to Applicants by the Australian Patent Office during prosecution of a foreign counterpart application.

##### **III. Rejection under 35 U.S.C. § 102(b).**

Claims 25-27, 30-33, and 36-38 are rejected as being anticipated by Paine. Applicants respectfully traverse the rejection.

It is well established that to anticipate a claimed invention, a reference must teach each and every element of the claimed invention, either explicitly or inherently. *In re Schreiber*, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). Thus, identifying a single element of the claim, which is not disclosed in the reference, is sufficient to overcome a §102 rejection.

Applicants respectfully submit that Paine fails to anticipate the claimed invention for reasons already of record, which are incorporated here by reference.

##### **IV. Rejection under 35 U.S.C. § 103(a).**

Claims 19-23, 28-29, and 36-37 are rejected as being unpatentable over Paine in view of Ahuja. Applicants respectfully traverse the rejection.

As stated by the Federal Circuit, “a proper analysis under 35 U.S.C. § 103 requires, *inter alia*, consideration of two factors: (1) whether the prior art would have suggested to those of

ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and (2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success.” *In re Vaeck*, 947, F.2d 488, 493 (Fed. Cir. 1991). In addition, the prior art reference(s) must teach or suggest all of the claim limitations. The teaching or suggestion to combine and the reasonable expectation of success must both be found in the prior art, and not in Applicant’s disclosure. *Id* at 493. *See also* M.P.E.P. § 2142.

Applicants respectfully submit that the combination of Paine and Ahuja fail to render the claimed invention obvious for reasons already of record, which are incorporated here by reference.

Specifically, with respect to claim 29, the Examiner admits that Paine fails to disclose a switching relay having a single switching coil and Ahuja fails to overcome this deficiency. First, Paine recites having a maximum of four coils energised or de-energised and recites both relays being magnetic latching relays and not conventional relays having only single coils. The present invention recites a maximum of two coils to be energised or de-energized. The use of a single coil in the present invention in the switching relay results in a less complex construction of the embodiments of the invention and produces a system that has a more beneficial and desirable size, is more reliable, consistent, serviceable, and cheaper to operate and manufacture. In addition, Paine is directed to a fundamentally different approach to electrical protection by having a maximum of 4 coils, having 2 non-conventional relays, each having 2 coils, wherein the invention as recited in claim 29 recites the use of 2 conventional relays, each having one coil, thereby providing electrical protection by reciting the use of a maximum of 2 coils. Further, Paine teaches monitoring the over-current conditions as a means for detecting faults, while the present invention operates independently of load current conditions and instead senses reference voltage. As a result of sensing reference voltage instead of load current conditions, the present invention operates more quickly and more consistently and detects faults other than over-current conditions.

**D.) CONCLUSION**

Accordingly, for at least these reasons, Applicants respectfully request that the Application be allowed and passed to issue. In the event any outstanding issues remain, Applicants would appreciate the courtesy of a telephone call to Applicants' undersigned representative to resolve such issues in an expeditious manner.

This Amendment/Response is being filed concurrently with a Request for Continued Examination, the filing fees for which the Commissioner is authorized to deduct from the undersigned's Deposit Account No. 50-1059.

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Respectfully submitted,

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